

EXHIBIT D

STATE OF NEW YORK
COUNTY COURT: COUNTY OF ERIE

-----X
WELLS FARGO BANK, N.A. SUCCESSOR BY
MERGER TO WELLS FARGO HOME MORTGAGE,
INC.
3476 Stateview Boulevard
Ft. Mill, SC 29715

Plaintiff,

vs.

JOHN H. WISHMAN, JR., MARY FRANCES
WISHMAN, FIRST NIAGARA BANK NA, GMAC
MORTGAGE CORPORATION DBA DITECH.COM,
LYON FINANCIAL SERVICES, INC. D/B/A US
BANCORP MANIFEST FUNDING SERVICES,

JOHN DOE (Said name being fictitious,
it being the intention of Plaintiff to
designate any and all occupants of
premises being foreclosed herein, and
any parties, corporations or entities,
if any, having or claiming an interest
or lien upon the mortgaged premises.)

Defendant(s).
-----X

NOTICE OF PENDENCY OF
ACTION

ORIGINAL FILED WITH THE
CLERK ON 7/18/2011

INDEX NO.: I 2011603629

MORTGAGED PREMISES:
6425 ENGEL DRIVE
HAMBURG, NY 14075

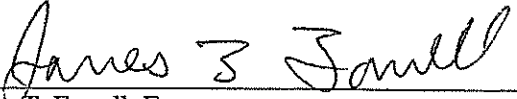
SBL #:
195.03-2-5

NOTICE IS HEREBY GIVEN, that an action has been commenced and is now pending in the County Court of Erie County upon the Complaint of the above named Plaintiff against the above named Defendant(s) for the foreclosure of a mortgage bearing date the 25th day of June, 2003 executed by JOHN H. WISHMAN, JR. and MARY FRANCES WISHMAN to secure the sum of \$222,400.00, and recorded at Liber 13085 of Mortgages at Page 3219 in the Office of the Clerk of the County of Erie, on the 1st day of July, 2003;

AND, NOTICE IS FURTHER GIVEN, that the mortgaged premises described in such mortgage(s) affected by the said foreclosure action, were, at the time of the commencement of this action, and at the time of the filing of this Notice, situated in the County of Erie and State of New York, and are described in "Schedule A - Legal Description" attached hereto and made a part hereof.

The Clerk of the County of Erie, is directed to index this Notice against the names of all the Defendant(s).

DATED: July 15, 2011
SBL No.: 195.03-2-5

By: 
James T. Farrell, Esq.
Steven J. Baum, P.C.
Attorneys for Plaintiff
220 Northpointe Parkway Suite G
Amherst, NY 14228
Tel.: 716-204-2400

The law firm of Steven J. Baum, P.C. and the attorneys whom it employs are debt collectors who are attempting to collect a debt. Any information obtained by them will be used for that purpose.

Title No.: 905-E-213137

SCHEDULE A

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Hamburg, County of Erie and State of New York, being part of Lot No. 18, Township 9, Range 8 of the Holland Land Company's Survey and further distinguished as Subdivision Lot No. 3 as shown on a map filed in the Erie County Clerk's Office under Cover No. 1761.

Schedule A

STATE OF NEW YORK
COUNTY COURT: COUNTY OF ERIE

-----X
WELLS FARGO BANK, N.A. SUCCESSOR BY
MERGER TO WELLS FARGO HOME MORTGAGE,
INC.
3476 Stateview Boulevard
Ft. Mill, SC 29715

Plaintiff,

vs.

JOHN H. WISHMAN, JR., MARY FRANCES
WISHMAN, FIRST NIAGARA BANK NA, GMAC
MORTGAGE CORPORATION DBA DITECH.COM,
LYON FINANCIAL SERVICES, INC. D/B/A US
BANCORP MANIFEST FUNDING SERVICES,

JOHN DOE (Said name being fictitious,
it being the intention of Plaintiff to
designate any and all occupants of
premises being foreclosed herein, and
any parties, corporations or entities,
if any, having or claiming an interest
or lien upon the mortgaged premises.)

Defendant(s).

-----X
TO THE ABOVE NAMED DEFENDANTS:

SUMMONS

ORIGINAL FILED WITH THE
CLERK ON 7/18/2011

INDEX NO.: I 2011 603629

MORTGAGED PREMISES:
6425 ENGEL DRIVE
HAMBURG, NY 14075

SBL #:
195.03-2-5

YOU ARE HEREBY SUMMONED to answer the Complaint in the above captioned action and to serve a copy of your Answer on the Plaintiff's attorney within twenty (20) days after the service of this Summons, exclusive of the day of service, or within thirty (30) days after completion of service where service is made in any other manner than by personal delivery within the State. The United States of America, if designated as a Defendant in this action, may answer or appear within sixty (60) days of service hereof. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the Complaint.

NOTICE
YOU ARE IN DANGER OF LOSING YOUR HOME

If you do not respond to this summons and complaint by serving a copy of the answer on the attorney for the mortgage company who filed this foreclosure proceeding against you and filing the answer with the court, a default judgment may be entered and you can lose your home.

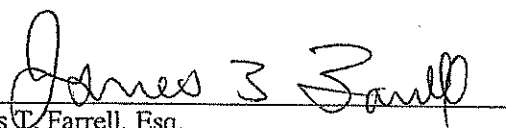
Speak to an attorney or go to the court where your case is pending for further information on how to answer the summons and protect your property.

Sending a payment to your mortgage company will not stop this foreclosure action.

YOU MUST RESPOND BY SERVING A COPY OF THE ANSWER ON THE ATTORNEY FOR THE PLAINTIFF (MORTGAGE COMPANY) AND FILING THE ANSWER WITH THE COURT.

Erie County is designated as the place of trial. The basis of venue is the location of the mortgaged premises foreclosed herein.

DATED: July 15, 2011

By: 
James T. Farrell, Esq.
Steven J. Baum, P.C.
Attorneys for Plaintiff
220 Northpointe Parkway Suite G
Amherst, NY 14228
Tel.: 716-204-2400

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STATE OF NEW YORK
COUNTY COURT: COUNTY OF ERIE

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WELLS FARGO BANK, N.A. SUCCESSOR BY
MERGER TO WELLS FARGO HOME MORTGAGE,
INC.
3476 Stateview Boulevard
Ft. Mill, SC 29715

Plaintiff,

vs.

JOHN H. WISHMAN, JR., MARY FRANCES
WISHMAN, FIRST NIAGARA BANK NA, GMAC
MORTGAGE CORPORATION DBA DITECH.COM,
LYON FINANCIAL SERVICES, INC. D/B/A US
BANCORP MANIFEST FUNDING SERVICES,

JOHN DOE (Said name being fictitious,
it being the intention of Plaintiff to
designate any and all occupants of
premises being foreclosed herein, and
any parties, corporations or entities,
if any, having or claiming an interest
or lien upon the mortgaged premises.)

Defendant(s).

COMPLAINT

INDEX NO.: I2011603629

MORTGAGED PREMISES:
6425 ENGEL DRIVE
HAMBURG, NY 14075

SBL #:
195.03-2-5

-----X
The Plaintiff by its attorneys, Steven J. Baum, P.C., for its complaint against the Defendant(s) alleges upon information and belief as follows:

FIRST: Plaintiff is a national banking association duly organized and existing under and by virtue of the laws of the United States of America, and having its principal place of business in Sioux Falls, South Dakota, the holder of the note and mortgage being foreclosed herein.

SECOND: On or about the 25th day of June, 2003, JOHN H. WISHMAN, JR. and MARY FRANCES WISHMAN duly executed and delivered a note whereby JOHN H. WISHMAN, JR. and MARY FRANCES WISHMAN promised to pay the sum of \$222,400.00 with interest on the unpaid balance of the debt.

THIRD: That as security for the payment of said note JOHN H. WISHMAN, JR. and MARY FRANCES WISHMAN duly executed and delivered a mortgage in the amount of \$222,400.00 which mortgage was recorded as follows and mortgage tax paid thereon:

Recording Date: July 1, 2003
Book/Page: 13085/3219
County (or City Register of): Erie

WELLS FARGO BANK, N.A. is successor by merger to WELLS FARGO HOME MORTGAGE, INC.

FOURTH: The mortgaged premises are commonly known as 6425 ENGEL DRIVE, HAMBURG, NY 14075 and more fully described in "Schedule A" attached to this complaint. The tax map designation is known as all or part of SBL: 195.03-2-5.

FIFTH: That the Defendant(s) JOHN H. WISHMAN, JR. and MARY FRANCES WISHMAN so named, has/have failed to comply with the conditions of the mortgage and note by failing to pay principal and interest and/or taxes, assessments, water rates, insurance premiums, escrow and/or other charges that came due and payable on the 1st day of January, 2011 as more fully set forth below. Accordingly, Plaintiff elects to call due the entire amount secured by the mortgage.

SIXTH: There is now due and owing on said mortgage the following amounts:

Principal balance: \$182,692.48

Interest Rate: 5.375%

Date interest accrues from: December 1, 2010

Together with late charges, monies advanced for taxes, insurance, maintenance of premises and the costs, allowances and reasonable attorney's fees if permitted by the mortgage.

SEVENTH: In order to protect its security interest the Plaintiff or its agent has paid or may be compelled to pay during the pendency of this action, taxes, assessments, water rates, insurance premiums and other charges affecting the mortgaged premises. Plaintiff requests that any sums it or its agent has paid, together with interest, be included in the sum otherwise due as provided for and secured by the mortgage.

EIGHTH: Upon information and belief all the defendants herein have or claim to have some interest in or lien upon said mortgaged premises or some part thereof which interest or lien, if any, has accrued subsequent to the lien of Plaintiff's mortgage, or has been paid or equitably subordinated to Plaintiff's mortgage, or has been duly subordinated thereto, or is adverse to that of Plaintiff. The reason for naming said defendants is set forth in "Schedule B" that is attached to this complaint.

NINTH: The reason for naming any governmental agency or instrumentalities of the Federal, State or local government (however designated), is set forth in "Schedule C" that is attached to this complaint.

TENTH: Upon information and belief the defendant(s) "John Doe" are occupants of the premises being foreclosed, or may be any persons, corporations or entities who claim, or may claim, a lien or other interest against the premises.

ELEVENTH: If applicable, the mortgage originated in compliance with Banking Law Sections 595-a and 6-l or 6-m and at the time of commencement of this action, the Plaintiff has complied with all of the provisions of Section 595-a of the Banking law and any rules and regulations promulgated thereunder, Section 6-l and 6-m of the Banking Law, and Sections 1304 and 1306 of the Real Property Actions and Proceedings Law.

TWELFTH: Plaintiff requests that in the event this action proceeds to judgment of foreclosure and sale, said premises be sold subject to: any state of facts an inspection of the premises would disclose or an accurate survey of the premises would show; covenants, restrictions, easements and public utility agreements of record, if any; building and zoning ordinances and possible violations of the same; any rights of tenants or persons in possession of the premises; any equity of redemption of the United States of America to redeem the premises within 120 days; prior mortgages and liens, if any. If the mortgage secures more than one parcel, Plaintiff requests the judgment of foreclosure provide for the sale of the parcels in a particular order to the extent necessary to satisfy the indebtedness.

THIRTEENTH: There are no other actions or pending proceedings at law to collect or enforce the note and mortgage.

WHEREFORE, PLAINTIFF DEMANDS JUDGMENT:

1. Adjudging and decreeing the amounts due the Plaintiff for principal, interest, costs, late charges, expenses of sale, allowances and disbursements, reasonable attorney's fees if provided for in the mortgage and any monies advanced and paid which are secured by the mortgage.
2. That the defendants and all persons claiming by, through or under them and every other person or entity whose right, title, conveyance or encumbrance is subsequent to or subsequently recorded, or whose lien is being challenged by being a defendant in this action, be barred and foreclosed of and from all right, claim, lien, interest or equity of redemption in and to said mortgaged premises.
3. That the said mortgaged premises, or such part thereof as may be necessary to raise the amounts due as aforesaid, be decreed to be sold according to law subject to the provisions of paragraph "TWELFTH" of this complaint.
4. That out of the monies arising from the sale thereof, the Plaintiff may be paid the amounts due on said note and mortgage, plus those items referenced in paragraph 1, above, together with any sums expended as aforesaid, with interest as allowed by law upon any advances from the dates of the respective payments, so far as the amount of such money properly applicable thereto will pay the same.
5. That either or any of the parties to this action may become a purchaser upon such sale.
6. That this court, if requested, forthwith appoint a receiver of the rents and profits of said premises with the usual powers and duties.
7. That the defendants referred to in paragraph "FIFTH" of this complaint and any original or subsequent obligors so named in this action, may be adjudged to pay any deficiency that may remain after applying all of said monies so applicable thereto, unless the debt has been listed and discharged in a bankruptcy petition, or unless the Plaintiff is unable to produce a copy of the note, in which case no deficiency judgment will be sought.
8. In the event Plaintiff possesses any other liens against the premises, they shall not be merged with the same. Plaintiff specifically reserves its right to share in any surplus monies arising from the sale of the subject premises by virtue of its position as a judgment or other lien creditor, excluding the mortgage being foreclosed herein.
9. That the Plaintiff may have such other and further relief as may be just, equitable and proper.

By: 

James T. Farrell, Esq.

Steven J. Baum, P.C.

Attorneys for Plaintiff

220 Northpointe Parkway Suite G

Amherst, NY 14228

Tel.: 716-204-2400

The law firm of Steven J. Baum, P.C. and the attorneys whom it employs are debt collectors who are attempting to collect a debt. Any information obtained by them will be used for that purpose.

Title No.: 905-E-213137

SCHEDULE A

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Hamburg, County of Erie and State of New York, being part of Lot No. 18, Township 9, Range 8 of the Holland Land Company's Survey and further distinguished as Subdivision Lot No. 3 as shown on a map filed in the Erie County Clerk's Office under Cover No. 1761.

Schedule A

Schedule B - Defendants

JOHN H. WISHMAN, JR.	Record owner and original mortgagor.
MARY FRANCES WISHMAN	Record owner and original mortgagor.
GMAC MORTGAGE CORPORATION DBA DITECH.COM	Holder of a mortgage.
LYON FINANCIAL SERVICES, INC. D/B/A US BANCORP MANIFEST FUNDING SERVICES	Holder of judgment(s).
FIRST NIAGARA BANK NA	Holder of judgment(s).
JOHN DOE	Said name being fictitious, it being the intention of Plaintiff to designate any and all occupants of premises being foreclosed herein, and any parties, corporations or entities, if any, having or claiming an interest or lien upon the mortgaged premises.

Schedule C - Defendants

NONE

STATE OF NEW YORK
COUNTY COURT: COUNTY OF ERIE

-----X
WELLS FARGO BANK, N.A. SUCCESSOR BY
MERGER TO WELLS FARGO HOME MORTGAGE,
INC.
3476 Stateview Boulevard
Ft. Mill, SC 29715

Plaintiff,

vs.

JOHN H. WISHMAN, JR. and MARY FRANCES
WISHMAN, et al.

Defendants.

-----X

SUMMONS AND COMPLAINT

-----X

STEVEN J. BAUM, P.C.
Attorneys for Plaintiff
220 Northpointe Parkway Suite G
Amherst, NY 14228
Tel.: 716-204-2400

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

-----X
WELLS FARGO BANK, N.A. SUCCESSOR BY
MERGER TO WELLS FARGO HOME
MORTGAGE, INC.

3476 Stateview Boulevard
Ft. Mill, SC 29715

Plaintiff,

-against-

Re-Filed:

Filed: 07/18/2011

Index No.: 603629/2011
NOTICE OF PENDENCY

JOHN H. WISHMAN, JR., MARY FRANCES WISHMAN,
FIRST NIAGARA BANK NA, GMAC MORTGAGE
CORPORATION DBA DITECH.COM, LYON FINANCIAL
SERVICES, INC. D/B/A US BANCORP MANIFEST
FUNDING SERVICES,

JOHN DOE(Said name being fictitious, it being the intention of
Plaintiff to designate any and all occupants of premises being
foreclosed herein, and any parties, corporations or entities, if any,
having or claiming an interest or lien upon the mortgaged
premises.)

Defendants.

FILED
ACTIONS & PROCEEDINGS

NOV 13 2015

CLERK OF COURT

-----X
NOTICE IS HEREBY GIVEN, that an action has been commenced and is
pending in this Court upon a complaint of the above named Plaintiff against the above
named Defendants for the foreclosure of a mortgage bearing date June 25, 2003 given by
John H. Wishman Jr. and Mary Frances Wishman to Wells Fargo Home Mortgage, Inc. to
secure the sum of \$222,400.00 and recorded in Book 13085 at Page 3219 in the office of the
County Clerk/City Register of Erie County on July 1, 2003.

AND NOTICE IS FURTHER GIVEN, that the mortgaged premises affected
by the said foreclosure action was, at the time of the commencement of said action, and at
the time of the filing of this Notice, situated in the Town of Hamburg, County of Erie and
State of New York, and being known as and by the street address of 6425 Engel Dr.
Hamburg, New York 14075 and more particularly described on the tax map of the Town of
Hamburg as Section 195.03 Block 2 Lot 5 and more particularly described in the said
mortgage, to wit, see Schedule "A" annexed.

CHRISTOPHER L. JACOBS, ERIE COUNTY CLERK
REF:

DATE: 11/13/2015
TIME: 11:59:12 AM
RECEIPT: 15185381

KNUCKLES
ACCOUNT #: 0

ITEM - 01 351
RECD: 11/13/2015 12:02:34 PM
FILE: 2015233736 BK/PG L 420/2763
WISHMAN JOHN H JR
WELLS FARGO BANK NA
Recording Fees 60.00
Subtotal 60.00

ITEM - 02 SERVICE
CLERK FEE-AUTO OVER 1.00
Subtotal 1.00

TOTAL DUE \$61.00
PAID TOTAL \$61.00
PAID CHECK \$61.00
Check #9831: 61.00

REC BY: lichtenl
COUNTY RECORDER

STATE OF NEW YORK
COUNTY COURT: COUNTY OF ERIE

-----X
WELLS FARGO BANK, N.A. SUCCESSOR BY
MERGER TO WELLS FARGO HOME MORTGAGE,
INC.
3476 Stateview Boulevard
Ft. Mill, SC 29715

Plaintiff,

vs.

JOHN H. WISHMAN, JR., MARY FRANCES
WISHMAN, FIRST NIAGARA BANK NA, GMAC
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LYON FINANCIAL SERVICES, INC. D/B/A US
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JOHN DOE (Said name being fictitious,
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designate any and all occupants of
premises being foreclosed herein, and
any parties, corporations or entities,
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Defendant(s).
-----X

AFFIRMATION

INDEX NO.: I2011603629

MORTGAGED PREMISES:
6425 ENGEL DRIVE
HAMBURG, NY 14075

N.B.: During and after August 2010, numerous and widespread insufficiencies in foreclosure filings in various courts around the nation were reported by major mortgage lenders and other authorities, including failure to review documents and files to establish standing and other foreclosure requisites; filing of notarized affidavits which falsely attest to such review and to other critical facts in the foreclosure process; and "robosignature" of documents.

Melissa M. Bundt, Esq., pursuant to CPLR 2106, and under the penalties of perjury, affirms as follows:

1. I am an attorney at law duly licensed to practice in the state of New York and am affiliated with the Law Firm of Steven J. Baum, P.C., the attorneys of record for Plaintiff in the above-captioned mortgage foreclosure action. As such, I am fully aware of the underlying action, as well as the proceedings had herein.
2. On September 4, 2011, I communicated with the following representative of the Plaintiff, who informed me that he has (a) personally reviewed Plaintiff's documents and records relating to this case for factual accuracy; and (b) confirmed the factual accuracy of the allegations set forth in the Complaint and any supporting affidavits or affirmations filed with the Court, as well as the accuracy of the notarizations contained in the supporting documents filed therewith.

Name

Title

Ronald Williams

Legal Process Specialist

3. Based upon my communication with person specified in paragraph 2, and subsequent communications thereafter, as well as upon my own inspection and other reasonable inquiry under the circumstances, I affirm that, to the best of my knowledge, information, and belief, the Summons, Complaint, and other papers filed or submitted to the Court in this matter contain no false statements of fact or law.
4. I understand my continuing obligation to amend this Affirmation in light of newly discovered material facts following its filing.
5. I am aware of my obligations under New York Rules of Professional Conduct (22 NYCRR Part 1200) and 22 NYCRR Part 130.

Melissa M. Bundt
Melissa M. Bundt, Esq.

DATED: 10/5/11

N.B.: Counsel may augment this affirmation to provide explanatory details, and may file supplemental affirmations or affidavits for the same purpose.

[Revised 11/18/10]

REQUEST FOR JUDICIAL INTERVENTION

UCS-840 (3/2011)

COUNTY COURT, COUNTY OF ERIE

Index No: 12011603629

Date Index Issued: July 18, 2011

For Court Clerk Use Only:

IAS Entry Date

Judge Assigned

RJI Date

CAPTION: Enter the complete case caption. Do not use et al or et ano. If more space is required, attach a caption rider sheet.

WELLS FARGO BANK, N.A. SUCCESSOR BY MERGER TO WELLS FARGO HOME MORTGAGE, INC.

FILED
ACTIONS & PROCEEDINGS

JUL 18 2011

Plaintiff(s)/Petitioner(s)

-against-

JOHN H. WISHMAN, JR., MARY FRANCES WISHMAN, FIRST NIAGARA BANK NA, GMAC MORTGAGE CORPORATION DBA DITECH.COM, LYON FINANCIAL SERVICES, INC. D/B/A US BANCORP MANIFEST FUNDING SERVICES, JOHN DOE (SAID NAME BEING FICTITIOUS, IT BEING THE INTENTION OF PLAINTIFF TO DESIGNATE ANY AND ALL OCCUPANTS OF PREMISES BEING FORECLOSED HEREIN, AND ANY PARTIES, CORPORATIONS OR ENTITIES, IF ANY, HAVING OR CLAIMING AN INTEREST OR LIEN UPON THE MORTGAGED PREMISES.)

Defendant(s)/Respondent(s)

NATURE OF ACTION OR PROCEEDING:

Check ONE box only and specify where indicated.

MATRIMONIAL

- ☐ Contested
☐ Uncontested

NOTE: For all Matrimonial actions where the parties have children under the age of 18, complete and attach the MATRIMONIAL RJI Addendum.

TORTS

- ☐ Asbestos
☐ Breast Implant
☐ Environmental: _____ (specify)

☐ Medical, Dental, or Podiatric Malpractice
☐ Motor Vehicle
☐ Products Liability: _____ (specify)

☐ Other Negligence: _____ (specify)

☐ Other Professional Malpractice: _____ (specify)

☐ Other Tort: _____ (specify)

COMMERCIAL

- ☐ Business Entity (including corporations, partnerships, LLCs, etc.)
☐ Contract
☐ Insurance (where insurer is a party, except arbitration)
☐ UCC (including sales, negotiable instruments)
☐ Other Commercial: _____ (specify)

NOTE: For Commercial Division assignment requests [22 NYCRR § 202.70(d)], complete and attach the COMMERCIAL DIV RJI Addendum.

REAL PROPERTY: How many properties does the application include? 1

- ☐ Condemnation
☒ Foreclosure

Property Address: 6425 ENGEL DRIVE Hamburg New York 14075
Street Address City State Zip

NOTE: For Foreclosure actions involving a one- to four-family, owner-occupied, residential property, or an owner-occupied condominium, complete and attach the FORECLOSURE RJI Addendum.

- ☐ Tax Certiorari - Section: _____ Block: _____ Lot: _____
☐ Other Real Property: _____ (specify)

OTHER MATTERS

- ☐ Certificate of Incorporation/Dissolution [see NOTE under Commercial]
☐ Emergency Medical Treatment
☐ Habeas Corpus
☐ Local Court Appeal
☐ Mechanic's Lien
☐ Name Change
☐ Pistol Permit Revocation Hearing
☐ Sale or Finance of Religious/Not-for-Profit Property
☐ Other: _____ (specify)

SPECIAL PROCEEDINGS

- ☐ CPLR Article 75 (Arbitration) [see NOTE under Commercial]
☐ CPLR Article 78 (Body or Officer)
☐ Election Law
☐ MHL Article 9.60 (Kendra's Law)
☐ MHL Article 10 (Sex Offender Confinement-Initial)
☐ MHL Article 10 (Sex Offender Confinement-Review)
☐ MHL Article 81 (Guardianship)
☐ Other Mental Hygiene: _____ (specify)

☐ Other Special Proceeding: _____ (specify)

STATUS OF ACTION OR PROCEEDING:

Answer YES or NO for EVERY question AND enter additional information where indicated.

YES NO

Has a summons and complaint or summons w/notice been filed?

☒

☐

If yes, date filed: July 18, 2011

Is this action/proceeding being filed post-judgment?

☐

☒

If yes, judgment date: _____

NATURE OF JUDICIAL INTERVENTION: Check ONE box only AND enter additional information where indicated.

- ☐ Infant's Compromise
☐ Note of Issue and/or Certificate of Readiness
☐ Notice of Medical, Dental, or Podiatric Malpractice Date Issue Joined: _____
☐ Notice of Motion Relief Sought: _____ Return Date: _____
☐ Notice of Petition Relief Sought: _____ Return Date: _____
☐ Order to Show Cause Relief Sought: _____ Return Date: _____
☐ Other Ex Parte Application Relief Sought: _____
☐ Poor Person Application
☐ Request for Preliminary Conference
☒ Residential Mortgage Foreclosure Settlement Conference
☐ Writ of Habeas Corpus
☐ Other (specify): _____

RELATED CASES: List any related actions. For Matrimonial actions, include any related criminal and/or Family Court cases. If additional space is required, complete and attach the RJJ Addendum. If none, leave blank.

Case Title	Index/Case No.	Court	Judge (if assigned)	Relationship to Instant Case

PARTIES: If additional space is required, complete and attach the RJJ Addendum. For parties without an attorney, check "Un-Rep" box AND enter party address, phone number and e-mail address in "Attorneys" space.

Un-Rep	Parties:	Attorneys:	Issue Joined (Y/N):	Insurance Carrier(s):
<input type="checkbox"/>	*1 - See Addendum Last Name First Name Primary Role: Plaintiff Secondary Role (if any):	Last Name Steven J. Baum, P.C. Firm Name 220 Northpointe Parkway Suite G Street Address Amherst NY 14228 City State Zip 716-204-2400 716-204-4600 Phone Fax e-mail	<input type="radio"/> YES <input type="radio"/> NO	
<input type="checkbox"/>	WISHMAN, JR. Last Name JOHN First Name Primary Role: Defendant Secondary Role (if any):	SNYDER, ESQ. Last Name EDWARD J. First Name Firm Name 3976 SENECA STREET Street Address WEST SENECA NY 14224 City State Zip 716-675-106 Phone Fax e-mail	<input checked="" type="radio"/> YES <input type="radio"/> NO	
<input type="checkbox"/>	WISHMAN Last Name MARY First Name Primary Role: Defendant Secondary Role (if any):	SNYDER, ESQ. Last Name EDWARD J. First Name Firm Name 3976 SENECA STREET Street Address WEST SENECA NY 14224 City State Zip 716-675-106 Phone Fax e-mail	<input checked="" type="radio"/> YES <input type="radio"/> NO	
<input type="checkbox"/>	FIRST NIAGARA BANK NA Last Name First Name Primary Role: Defendant Secondary Role (if any):	HELLER, ESQ. Last Name FRANKLIN W. First Name DAMON MOREY LLP Firm Name *2 - See Addendum BUFFALO NY 14202 Street Address City State Zip 716-356-5500 Phone Fax e-mail	<input checked="" type="radio"/> YES <input type="radio"/> NO	

I AFFIRM UNDER THE PENALTY OF PERJURY THAT, TO MY KNOWLEDGE, OTHER THAN AS NOTED ABOVE, THERE ARE AND HAVE BEEN NO RELATED ACTIONS OR PROCEEDINGS, NOR HAS A REQUEST FOR JUDICIAL INTERVENTION PREVIOUSLY BEEN FILED IN THIS ACTION OR PROCEEDING.

Dated: 10/5/11

4760260

ATTORNEY REGISTRATION NUMBER

Melissa M. Bundt

SIGNATURE

Melissa M. Bundt, Esq.

PRINT OR TYPE NAME

Request for Judicial Intervention Addendum

UCS-840A (3/2011)

COUNTY COURT, COUNTY OF ERIE

Index No: 12011603629

For use when additional space is needed to provide party or related case information.

PARTIES: For parties without an attorney, check "Un-Rep" box AND enter party address, phone number and e-mail address in "Attorneys" space.				
Un-Rep	Parties:	Attorneys:	Issue Joined (Y/N):	Insurance Carrier(s):
<input checked="" type="checkbox"/>	*3 - See Addendum Last Name First Name Primary Role: Defendant Secondary Role (if any):	Provide name, firm name, business address, phone number and e-mail address of all attorneys that have appeared in the case. Last Name First Name Firm Name 99 WASHINGTON AVE. ALBANY NY 12231 Street Address City State Zip Phone Fax e-mail	<input type="radio"/> YES <input checked="" type="radio"/> NO	
<input type="checkbox"/>	*4 - See Addendum Last Name First Name Primary Role: Defendant Secondary Role (if any):	GRUEN CHARLES A. Last Name First Name LAW OFFICES OF CHARLES A. GRUEN Firm Name 381 BROADWAY SUITE 300 WESTWOOD NJ 07675 Street Address City State Zip Phone Fax e-mail	<input checked="" type="radio"/> YES <input type="radio"/> NO	
<input type="checkbox"/>	Last Name First Name Primary Role: Secondary Role (if any):	Last Name First Name Firm Name Street Address City State Zip Phone Fax e-mail	<input type="radio"/> YES <input type="radio"/> NO	
<input type="checkbox"/>	Last Name First Name Primary Role: Secondary Role (if any):	Last Name First Name Firm Name Street Address City State Zip Phone Fax e-mail	<input type="radio"/> YES <input type="radio"/> NO	
<input type="checkbox"/>	Last Name First Name Primary Role: Secondary Role (if any):	Last Name First Name Firm Name Street Address City State Zip Phone Fax e-mail	<input type="radio"/> YES <input type="radio"/> NO	
<input type="checkbox"/>	Last Name First Name Primary Role: Secondary Role (if any):	Last Name First Name Firm Name Street Address City State Zip Phone Fax e-mail	<input type="radio"/> YES <input type="radio"/> NO	

RELATED CASES: List any related actions. For Matrimonial actions, include any related criminal and/or Family Court cases.				
Case Title	Index/Case No.	Court	Judge (if assigned)	Relationship to Instant Case

UCS-840F
3/2011

FORECLOSURE Request for Judicial Intervention Addendum

COUNTY

COURT, COUNTY OF ERIE

INDEX NO. 12011603629

For use in ALL mortgage foreclosure actions where the property is: (check if applicable)

- ☒ 1. A one- to four-family owner-occupied residential property, or
☐ 2. An owner-occupied condominium.

Type of mortgage loan: (check one) ☐ subprime/high-cost/non-traditional [RPAPL § 1304(5)]
☒ prime/traditional/conventional
☐ open end credit plan [RPAPL § 1304(5)]

Instructions

If # 1 or # 2 is applicable:

- Select "Residential Mortgage Foreclosure Settlement Conference" as the Nature of Judicial Intervention on the RJL.
- The Defendant/Respondent Information section below MUST be completed for all defendants and attached to the RJL.

DEFENDANT/RESPONDENT INFORMATION: List parties in caption order. Attach additional forms as necessary.
WISHMAN, JR. JOHN 716-646-3130

1. Last Name: 6425 ENGEL DRIVE First Name: HAMBURG NY Primary Phone: 14075 Secondary Phone: e-mail: November 14, 2010
Address: (Street Address) (City) (State) (Zip)
Comments: 90-day Notice [RPAPL § 1304(1)] mailed on:
2. Last Name: WISHMAN MARY First Name: HAMBURG NY Primary Phone: 14075 Secondary Phone: e-mail: November 14, 2010
Address: 6425 ENGEL DRIVE (Street Address) (City) (State) (Zip)
Comments: 90-day Notice [RPAPL § 1304(1)] mailed on:
3. Last Name: FIRST NIAGARA BANK NA First Name: NORTH TONAWANDA NY Primary Phone: 14120 Secondary Phone: e-mail:
Address: 100 RIVER ROAD (Street Address) (City) (State) (Zip)
Comments: 90-day Notice [RPAPL § 1304(1)] mailed on:
- *3 - See Addendum
4. Last Name: 99 WASHINGTON AVE. First Name: ALBANY NY Primary Phone: 12231 Secondary Phone: e-mail:
Address: (Street Address) (City) (State) (Zip)
Comments: 90-day Notice [RPAPL § 1304(1)] mailed on:
- *4 - See Addendum
5. Last Name: First Name: NEW YORK NY Primary Phone: 10011 Secondary Phone: e-mail:
Address: (Street Address) (City) (State) (Zip)
Comments: 90-day Notice [RPAPL § 1304(1)] mailed on:
- *5 - See Addendum

ATTENTION: Proof of service must be filed with this RJL for each defendant upon whom a summons and complaint or summons with notice has been served. [CPLR § 3408]

Request for Judicial Intervention Addendum

WELLS FARGO BANK, N.A. SUCCESSOR BY MERGER TO WELLS FARGO HOME MORTGAGE, INC.

1.

THE AVANT BUILDING SUITE 1200, 200 DELAWARE AVENUE

2.

GMAC MORTGAGE CORPORATION DBA DITECH.COM

3.

LYON FINANCIAL SERVICES, INC. D/B/A US BANCORP MANIFEST FUNDING SERVICES

4.

111 EIGHTH AVE C/O CT CORPORATION SYSTEM

5.

REQUEST FOR JUDICIAL INTERVENTION

UCS-840 (3/2011)

COUNTY COURT, COUNTY OF ERIE

Index No: 12011603629 Date Index Issued: July 18, 2011

CAPTION: Enter the complete case caption. Do not use et al or et ano. If more space is required, attach a caption rider sheet.

WELLS FARGO BANK, N.A. SUCCESSOR BY MERGER TO WELLS FARGO HOME MORTGAGE, INC.

ACTION & PROCEEDINGS

JUL 18 2011

Plaintiff(s)/Petitioner(s)

-against-

JOHN H. WISHMAN, JR., MARY FRANCES WISHMAN, FIRST NIAGARA BANK NA, GMAC MORTGAGE CORPORATION DBA DITECH.COM, LYON FINANCIAL SERVICES, INC. D/B/A US BANCORP MANIFEST FUNDING SERVICES, JOHN DOE (SAID NAME BEING FICTITIOUS, IT BEING THE INTENTION OF PLAINTIFF TO DESIGNATE ANY AND ALL OCCUPANTS OF PREMISES BEING FORECLOSED HEREIN, AND ANY PARTIES, CORPORATIONS OR ENTITIES, IF ANY, HAVING OR CLAIMING AN INTEREST OR LIEN UPON THE MORTGAGED PREMISES.)

Defendant(s)/Respondent(s)

NATURE OF ACTION OR PROCEEDING: Check ONE box only and specify where indicated.

MATRIMONIAL

- ☐ Contested
☐ Uncontested

NOTE: For all Matrimonial actions where the parties have children under the age of 18, complete and attach the MATRIMONIAL RJJ Addendum.

TORTS

- ☐ Asbestos
☐ Breast Implant
☐ Environmental: _____ (specify)

- ☐ Medical, Dental, or Podiatric Malpractice
☐ Motor Vehicle
☐ Products Liability: _____ (specify)

- ☐ Other Negligence: _____ (specify)

- ☐ Other Professional Malpractice: _____ (specify)

- ☐ Other Tort: _____ (specify)

COMMERCIAL

- ☐ Business Entity (including corporations, partnerships, LLCs, etc.)
☐ Contract
☐ Insurance (where insurer is a party, except arbitration)
☐ UCC (including sales, negotiable instruments)
☐ Other Commercial: _____ (specify)

NOTE: For Commercial Division assignment requests [22 NYCRR § 202.70(d)], complete and attach the COMMERCIAL DIV RJJ Addendum.

REAL PROPERTY: How many properties does the application include? 1

- ☐ Condemnation
☒ Foreclosure

Property Address: 6425 ENGEL DRIVE Hamburg New York 14075
Street Address City State Zip

NOTE: For Foreclosure actions involving a one- to four-family, owner-occupied, residential property, or an owner-occupied condominium, complete and attach the FORECLOSURE RJJ Addendum.

- ☐ Tax Certiorari - Section: _____ Block: _____ Lot: _____
☐ Other Real Property: _____ (specify)

OTHER MATTERS

- ☐ Certificate of Incorporation/Dissolution [see NOTE under Commercial]
☐ Emergency Medical Treatment
☐ Habeas Corpus
☐ Local Court Appeal
☐ Mechanic's Lien
☐ Name Change
☐ Pistol Permit Revocation Hearing
☐ Sale or Finance of Religious/Not-for-Profit Property
☐ Other: _____ (specify)

SPECIAL PROCEEDINGS

- ☐ CPLR Article 75 (Arbitration) [see NOTE under Commercial]
☐ CPLR Article 78 (Body or Officer)
☐ Election Law
☐ MHL Article 9.60 (Kendra's Law)
☐ MHL Article 10 (Sex Offender Confinement-Initial)
☐ MHL Article 10 (Sex Offender Confinement-Review)
☐ MHL Article 81 (Guardianship)
☐ Other Mental Hygiene: _____ (specify)
☐ Other Special Proceeding: _____ (specify)

STATUS OF ACTION OR PROCEEDING: Answer YES or NO for EVERY question AND enter additional information where indicated.

YES NO

Has a summons and complaint or summons w/notice been filed?

☒

☐

If yes, date filed: July 18, 2011

Is this action/proceeding being filed post-judgment?

☐

☒

If yes, judgment date: _____

NATURE OF JUDICIAL INTERVENTION:

Check ONE box only AND enter additional information where indicated.

- ☐ Infant's Compromise
☐ Note of Issue and/or Certificate of Readiness
☐ Notice of Medical, Dental, or Podiatric Malpractice
☐ Notice of Motion
☐ Notice of Petition
☐ Order to Show Cause
☐ Other Ex Parte Application
☐ Poor Person Application
☐ Request for Preliminary Conference
☒ Residential Mortgage Foreclosure Settlement Conference
☐ Writ of Habeas Corpus
☐ Other (specify):

Date Issue Joined: _____

Relief Sought: _____ Return Date: _____
 Relief Sought: _____ Return Date: _____
 Relief Sought: _____ Return Date: _____

RELATED CASES:

List any related actions. For Matrimonial actions, include any related criminal and/or Family Court cases. If additional space is required, complete and attach the RJJ Addendum. If none, leave blank.

Case Title	Index/Case No.	Court	Judge (if assigned)	Relationship to Instant Case

PARTIES:

If additional space is required, complete and attach the RJJ Addendum.

For parties without an attorney, check "Un-Rep" box AND enter party address, phone number and e-mail address in "Attorneys" space.

Un-Rep	Parties: List parties in caption order and indicate party role(s) (e.g. defendant, 3rd-party plaintiff).	Attorneys: Provide name, firm name, business address, phone number and e-mail address of all attorneys that have appeared in the case.	Issue Joined (Y/N):	Insurance Carrier(s):
<input type="checkbox"/>	*1 - See Addendum Last Name First Name Primary Role: Plaintiff Secondary Role (if any):	Steven J. Baum, P.C. Firm Name 220 Northpointe Parkway Suite G Street Address Amherst NY 14228 City State Zip 716-204-2400 716-204-4600 Phone Fax e-mail	<input type="radio"/> YES <input type="radio"/> NO	
<input type="checkbox"/>	WISHMAN, JR. Last Name JOHN First Name Primary Role: Defendant Secondary Role (if any):	SNYDER, ESQ. Last Name EDWARD J. First Name Firm Name 3976 SENECA STREET Street Address WEST SENECA NY 14224 City State Zip 7116-675-106 Phone Fax e-mail	<input checked="" type="radio"/> YES <input type="radio"/> NO	
<input type="checkbox"/>	WISHMAN Last Name MARY First Name Primary Role: Defendant Secondary Role (if any):	SNYDER, ESQ. Last Name EDWARD J. First Name Firm Name 3976 SENECA STREET Street Address WEST SENECA NY 14224 City State Zip 7116-675-106 Phone Fax e-mail	<input checked="" type="radio"/> YES <input type="radio"/> NO	
<input type="checkbox"/>	FIRST NIAGARA BANK NA Last Name First Name Primary Role: Defendant Secondary Role (if any):	HELLER, ESQ. Last Name FRANKLIN W. First Name DAMON MOREY LLP Firm Name *2 - See Addendum Street Address BUFFALO NY 14202 City State Zip 716-856-5500 Phone Fax e-mail	<input checked="" type="radio"/> YES <input type="radio"/> NO	

I AFFIRM UNDER THE PENALTY OF PERJURY THAT, TO MY KNOWLEDGE, OTHER THAN AS NOTED ABOVE, THERE ARE AND HAVE BEEN NO RELATED ACTIONS OR PROCEEDINGS, NOR HAS A REQUEST FOR JUDICIAL INTERVENTION PREVIOUSLY BEEN FILED IN THIS ACTION OR PROCEEDING.

Dated: 10/5/11

4760260

ATTORNEY REGISTRATION NUMBER

Melissa M. Bundt

SIGNATURE

Melissa M. Bundt, Esq.

PRINT OR TYPE NAME

Request for Judicial Intervention Addendum

UCS-840A (3/2011)

COUNTY COURT, COUNTY OF ERIE Index No: 12011603629

For use when additional space is needed to provide party or related case information.

PARTIES: For parties without an attorney, check "Un-Rep" box AND enter party address, phone number and e-mail address in "Attorneys" space				
Un-Rep	Parties:	Attorneys:	Issue Joined (Y/N):	Insurance Carrier(s):
<input checked="" type="checkbox"/>	*3 - See Addendum Last Name First Name Primary Role: Defendant Secondary Role (if any):	Provide name, firm name, business address, phone number and e-mail address of all attorneys that have appeared in the case. Last Name First Name Firm Name 99 WASHINGTON AVE. ALBANY NY 12231 Street Address City State Zip Phone Fax e-mail	<input type="radio"/> YES <input checked="" type="radio"/> NO	
<input type="checkbox"/>	*4 - See Addendum Last Name First Name Primary Role: Defendant Secondary Role (if any):	GRUEN CHARLES A. Last Name First Name LAW OFFICES OF CHARLES A. GRUEN Firm Name 381 BROADWAY SUITE 300 WESTWOOD NJ 07675 Street Address City State Zip Phone Fax e-mail	<input checked="" type="radio"/> YES <input type="radio"/> NO	
<input type="checkbox"/>	Last Name First Name Primary Role: Secondary Role (if any):	Last Name First Name Firm Name Street Address City State Zip Phone Fax e-mail	<input type="radio"/> YES <input type="radio"/> NO	
<input type="checkbox"/>	Last Name First Name Primary Role: Secondary Role (if any):	Last Name First Name Firm Name Street Address City State Zip Phone Fax e-mail	<input type="radio"/> YES <input type="radio"/> NO	
<input type="checkbox"/>	Last Name First Name Primary Role: Secondary Role (if any):	Last Name First Name Firm Name Street Address City State Zip Phone Fax e-mail	<input type="radio"/> YES <input type="radio"/> NO	
<input type="checkbox"/>	Last Name First Name Primary Role: Secondary Role (if any):	Last Name First Name Firm Name Street Address City State Zip Phone Fax e-mail	<input type="radio"/> YES <input type="radio"/> NO	
<input type="checkbox"/>	Last Name First Name Primary Role: Secondary Role (if any):	Last Name First Name Firm Name Street Address City State Zip Phone Fax e-mail	<input type="radio"/> YES <input type="radio"/> NO	

RELATED CASES: List any related actions. For Matrimonial actions, include any related criminal and/or Family Court cases.				
Case Title	Index/Case No.	Court	Judge (if assigned)	Relationship to Instant Case

UCS-840F
3/2011

FORECLOSURE Request for Judicial Intervention Addendum

COUNTY

COURT, COUNTY OF

INDEX NO. 12011603629

For use in ALL mortgage foreclosure actions where the property is: (check if applicable)

- ☒ 1. A one- to four-family owner-occupied residential property, or
☐ 2. An owner-occupied condominium.

Type of mortgage loan: (check one) ☐ subprime/high-cost/non-traditional [RPAPL § 1304(5)]
☒ prime/traditional/conventional
☐ open end credit plan [RPAPL § 1304(5)]

Instructions

If # 1 or # 2 is applicable:

- Select "Residential Mortgage Foreclosure Settlement Conference" as the Nature of Judicial Intervention on the RJL.
- The Defendant/Respondent Information section below MUST be completed for all defendants and attached to the RJL.

DEFENDANT/RESPONDENT INFORMATION: List parties in caption order. Attach additional forms as necessary.
WISHMAN, JR., JOHN 716-646-3130

1. Last Name: 6425 ENGEL DRIVE First Name: HAMBURG Primary Phone: NY Secondary Phone: 14075
Address: (Street Address) (City) (State) (Zip) e-mail: November 14, 2010

Comments: 90-day Notice [RPAPL § 1304(1)] mailed on:

2. Last Name: WISHMAN First Name: MARY Primary Phone: NY Secondary Phone: 14075
Address: 6425 ENGEL DRIVE (Street Address) (City) (State) (Zip) e-mail: November 14, 2010

Comments: 90-day Notice [RPAPL § 1304(1)] mailed on:

3. Last Name: FIRST NIAGARA BANK NA First Name: NORTH TONAWANDA Primary Phone: NY Secondary Phone: 14120
Address: 100 RIVER ROAD (Street Address) (City) (State) (Zip) e-mail:

Comments: 90-day Notice [RPAPL § 1304(1)] mailed on:

*3 - See Addendum

4. Last Name: 99 WASHINGTON AVE. First Name: ALBANY Primary Phone: NY Secondary Phone: 12231
Address: (Street Address) (City) (State) (Zip) e-mail:

Comments: 90-day Notice [RPAPL § 1304(1)] mailed on:

*4 - See Addendum

5. Last Name: First Name: NEW YORK Primary Phone: NY Secondary Phone: 10011
Address: (Street Address) (City) (State) (Zip) e-mail:

Comments: 90-day Notice [RPAPL § 1304(1)] mailed on:

ATTENTION: Proof of service must be filed with this RJL for each defendant upon whom a summons and complaint or summons with notice has been served. [CPLR § 3408]

Request for Judicial Intervention Addendum

WELLS FARGO BANK, N.A. SUCCESSOR BY MERGER TO WELLS FARGO HOME MORTGAGE, INC.

1.

THE AVANT BUILDING SUITE 1200, 200 DELAWARE AVENUE

2.

GMAC MORTGAGE CORPORATION DBA DITECH.COM

3.

LYON FINANCIAL SERVICES, INC. D/B/A US BANCORP MANIFEST FUNDING SERVICES

4.

111 EIGHTH AVE C/O CT CORPORATION SYSTEM

5.

REQUEST FOR JUDICIAL INTERVENTION

UCS-840 (3/2011)

COUNTY COURT, COUNTY OF ERIE

Index No: 12011603629

Date Index Issued: July 18, 2011

CAPTION: Enter the complete case caption. Do not use et al or et ano. If more space is required, attach a caption rider sheet.

WELLS FARGO BANK, N.A. SUCCESSOR BY MERGER TO WELLS FARGO HOME MORTGAGE, INC.

FILED
ACTIONS & PROCEEDINGS

OCT 18 2011

Plaintiff(s)/Petitioner(s)

-against-

JOHN H. WISHMAN, JR., MARY FRANCES WISHMAN, FIRST NIAGARA BANK NA, GMAC MORTGAGE CORPORATION DBA DITECH.COM, LYON FINANCIAL SERVICES, INC. D/B/A US BANCORP MANIFEST FUNDING SERVICES, JOHN DOE (SAID NAME BEING FICTITIOUS, IT BEING THE INTENTION OF PLAINTIFF TO DESIGNATE ANY AND ALL OCCUPANTS OF PREMISES BEING FORECLOSED HEREIN, AND ANY PARTIES, CORPORATIONS OR ENTITIES, IF ANY, HAVING OR CLAIMING AN INTEREST OR LIEN UPON THE MORTGAGED PREMISES.)

Defendant(s)/Respondent(s)

NATURE OF ACTION OR PROCEEDING: Check ONE box only and specify where indicated.

MATRIMONIAL

- ☐ Contested
☐ Uncontested

NOTE: For all Matrimonial actions where the parties have children under the age of 18, complete and attach the MATRIMONIAL RJJ Addendum.

TORTS

- ☐ Asbestos
☐ Breast Implant
☐ Environmental: _____ (specify)

☐ Medical, Dental, or Podiatric Malpractice
☐ Motor Vehicle
☐ Products Liability: _____ (specify)

☐ Other Negligence: _____ (specify)

☐ Other Professional Malpractice: _____ (specify)

☐ Other Tort: _____ (specify)

OTHER MATTERS

- ☐ Certificate of Incorporation/Dissolution [see NOTE under Commercial]
☐ Emergency Medical Treatment
☐ Habeas Corpus
☐ Local Court Appeal
☐ Mechanic's Lien
☐ Name Change
☐ Pistol Permit Revocation Hearing
☐ Sale or Finance of Religious/Not-for-Profit Property
☐ Other: _____ (specify)

COMMERCIAL

- ☐ Business Entity (including corporations, partnerships, LLCs, etc.)
☐ Contract
☐ Insurance (where insurer is a party, except arbitration)
☐ UCC (including sales, negotiable instruments)
☐ Other Commercial: _____ (specify)

NOTE: For Commercial Division assignment requests [22 NYCRR § 202.70(d)], complete and attach the COMMERCIAL DIV RJJ Addendum.

REAL PROPERTY: How many properties does the application include? ¹

- ☐ Condemnation
☒ Foreclosure
Property Address: 6425 ENGEL DRIVE Hamburg New York 14075
Street Address City State Zip
NOTE: For Foreclosure actions involving a one- to four-family, owner-occupied, residential property, or an owner-occupied condominium, complete and attach the FORECLOSURE RJJ Addendum.
☐ Tax Certiorari - Section: _____ Block: _____ Lot: _____
☐ Other Real Property: _____ (specify)

SPECIAL PROCEEDINGS

- ☐ CPLR Article 75 (Arbitration) [see NOTE under Commercial]
☐ CPLR Article 78 (Body or Officer)
☐ Election Law
☐ MHL Article 9.60 (Kendra's Law)
☐ MHL Article 10 (Sex Offender Confinement-Initial)
☐ MHL Article 10 (Sex Offender Confinement-Review)
☐ MHL Article 81 (Guardianship)
☐ Other Mental Hygiene: _____ (specify)

☐ Other Special Proceeding: _____ (specify)

STATUS OF ACTION OR PROCEEDING: Answer YES or NO for EVERY question AND enter additional information where indicated.

YES NO

Has a summons and complaint or summons w/notice been filed?

☒

☐

If yes, date filed: July 18, 2011

Is this action/proceeding being filed post-judgment?

☐

☒

If yes, judgment date: _____

NATURE OF JUDICIAL INTERVENTION: Check ONE box only AND enter additional information where indicated.

- ☐ Infant's Compromise
☐ Note of Issue and/or Certificate of Readiness
☐ Notice of Medical, Dental, or Podiatric Malpractice Date Issue Joined: _____
☐ Notice of Motion Relief Sought: _____ Return Date: _____
☐ Notice of Petition Relief Sought: _____ Return Date: _____
☐ Order to Show Cause Relief Sought: _____ Return Date: _____
☐ Other Ex Parte Application Relief Sought: _____
☐ Poor Person Application
☐ Request for Preliminary Conference
☒ Residential Mortgage Foreclosure Settlement Conference
☐ Writ of Habeas Corpus
☐ Other (specify): _____

RELATED CASES: List any related actions. For Matrimonial actions, include any related criminal and/or Family Court cases. If additional space is required, complete and attach the RJI Addendum. If none, leave blank.

Case Title	Index/Case No.	Court	Judge (if assigned)	Relationship to Instant Case

PARTIES: If additional space is required, complete and attach the RJI Addendum. For parties without an attorney, check "Un-Rep" box AND enter party address, phone number and e-mail address in "Attorneys" space.

Un-Rep	Parties:	Attorneys:	Issue Joined (Y/N):	Insurance Carrier(s):
<input type="checkbox"/>	*1 - See Addendum Last Name First Name Primary Role: Plaintiff Secondary Role (if any):	Provide name, firm name, business address, phone number and e-mail address of all attorneys that have appeared in the case. Last Name: Steven J. Baum, P.C. First Name: Firm Name: 220 Northpointe Parkway Suite G Street Address: Amherst NY 14228 City State Zip 716-204-2400 716-204-4600 Phone Fax e-mail	<input type="radio"/> YES <input type="radio"/> NO	
<input type="checkbox"/>	WISHMAN, JR. Last Name JOHN First Name Primary Role: Defendant Secondary Role (if any):	SNYDER, ESQ. Last Name: EDWARD J. First Name: Firm Name: 3976 SENECA STREET Street Address: WEST SENECA NY 14224 City State Zip 716-675-106 Phone Fax e-mail	<input checked="" type="radio"/> YES <input type="radio"/> NO	
<input type="checkbox"/>	WISHMAN Last Name MARY First Name Primary Role: Defendant Secondary Role (if any):	SNYDER, ESQ. Last Name: EDWARD J. First Name: Firm Name: 3976 SENECA STREET Street Address: WEST SENECA NY 14224 City State Zip 716-675-106 Phone Fax e-mail	<input checked="" type="radio"/> YES <input type="radio"/> NO	
<input type="checkbox"/>	FIRST NIAGARA BANK NA Last Name First Name Primary Role: Defendant Secondary Role (if any):	HELLER, ESQ. Last Name: FRANKLIN W. First Name: Firm Name: *2 - See Addendum Street Address: BUFFALO NY 14202 City State Zip 716-856-5500 Phone Fax e-mail	<input checked="" type="radio"/> YES <input type="radio"/> NO	

I AFFIRM UNDER THE PENALTY OF PERJURY THAT, TO MY KNOWLEDGE, OTHER THAN AS NOTED ABOVE, THERE ARE AND HAVE BEEN NO RELATED ACTIONS OR PROCEEDINGS, NOR HAS A REQUEST FOR JUDICIAL INTERVENTION PREVIOUSLY BEEN FILED IN THIS ACTION OR PROCEEDING.

Dated: 10/5/11

Melissa M. Bundt
SIGNATURE

4760260

ATTORNEY REGISTRATION NUMBER

Melissa M. Bundt, Esq.

PRINT OR TYPE NAME

Request for Judicial Intervention Addendum

UCS-840A (3/2011)

COUNTY COURT, COUNTY OF ERIE Index No: 12011603629

For use when additional space is needed to provide party or related case information.

PARTIES: For parties without an attorney, check "Un-Rep" box AND enter party address, phone number and e-mail address in "Attorneys" space.				
Un-Rep	Parties:	Attorneys:	Issue Joined (Y/N):	Insurance Carrier(s):
<input checked="" type="checkbox"/>	*3 - See Addendum Last Name First Name Primary Role: Defendant Secondary Role (if any):	Provide name, firm name, business address, phone number and e-mail address of all attorneys that have appeared in the case. Last Name: GRUEN First Name: CHARLES A. Firm Name: LAW OFFICES OF CHARLES A. GRUEN Street Address: 381 BROADWAY SUITE 300 City: WESTWOOD State: NJ Zip: 07675 Phone: _____ Fax: _____ e-mail: _____	<input type="radio"/> YES <input checked="" type="radio"/> NO	
<input type="checkbox"/>	*4 - See Addendum Last Name First Name Primary Role: Defendant Secondary Role (if any):	Last Name: _____ First Name: _____ Firm Name: _____ Street Address: _____ City: _____ State: _____ Zip: _____ Phone: _____ Fax: _____ e-mail: _____	<input checked="" type="radio"/> YES <input type="radio"/> NO	
<input type="checkbox"/>	Last Name First Name Primary Role: Secondary Role (if any):	Last Name: _____ First Name: _____ Firm Name: _____ Street Address: _____ City: _____ State: _____ Zip: _____ Phone: _____ Fax: _____ e-mail: _____	<input type="radio"/> YES <input type="radio"/> NO	
<input type="checkbox"/>	Last Name First Name Primary Role: Secondary Role (if any):	Last Name: _____ First Name: _____ Firm Name: _____ Street Address: _____ City: _____ State: _____ Zip: _____ Phone: _____ Fax: _____ e-mail: _____	<input type="radio"/> YES <input type="radio"/> NO	
<input type="checkbox"/>	Last Name First Name Primary Role: Secondary Role (if any):	Last Name: _____ First Name: _____ Firm Name: _____ Street Address: _____ City: _____ State: _____ Zip: _____ Phone: _____ Fax: _____ e-mail: _____	<input type="radio"/> YES <input type="radio"/> NO	
<input type="checkbox"/>	Last Name First Name Primary Role: Secondary Role (if any):	Last Name: _____ First Name: _____ Firm Name: _____ Street Address: _____ City: _____ State: _____ Zip: _____ Phone: _____ Fax: _____ e-mail: _____	<input type="radio"/> YES <input type="radio"/> NO	

RELATED CASES: List any related actions. For Matrimonial actions, include any related criminal and/or Family Court cases.				
Case Title	Index/Case No.	Court	Judge (if assigned)	Relationship to Instant Case

UCS-340F
3/2011

FORECLOSURE Request for Judicial Intervention Addendum

COUNTY

COURT, COUNTY OF ERIE

INDEX NO. 12011603629

For use in ALL mortgage foreclosure actions where the property is: (check if applicable)

- ☒ 1. A one- to four-family owner-occupied residential property, or
☐ 2. An owner-occupied condominium.

Type of mortgage loan: (check one) ☐ subprime/high-cost/non-traditional [RPAPL § 1304(5)]
☒ prime/traditional/conventional
☐ open end credit plan [RPAPL § 1304(5)]

Instructions

If # 1 or # 2 is applicable:

- Select "Residential Mortgage Foreclosure Settlement Conference" as the Nature of Judicial Intervention on the RJI.
- The Defendant/Respondent Information section below **MUST** be completed for all defendants and attached to the RJI.

DEFENDANT/RESPONDENT INFORMATION: List parties in caption order. Attach additional forms as necessary.
WISHMAN, JR. JOHN 716-646-3130

1. Last Name: 6425 ENGEL DRIVE	First Name: HAMBURG	Primary Phone: NY 14075	Secondary Phone:	e-mail: November 14, 2010
Address: (Street Address) (City) (State) (Zip)				
Comments: 90-day Notice [RPAPL § 1304(1)] mailed on:				
2. Last Name: WISHMAN	First Name: MARY	Primary Phone: NY 14075	Secondary Phone:	e-mail: November 14, 2010
Address: 6425 ENGEL DRIVE (Street Address) (City) (State) (Zip)				
Comments: 90-day Notice [RPAPL § 1304(1)] mailed on:				
3. Last Name: FIRST NIAGARA BANK NA	First Name: NORTH TONAWANDA	Primary Phone: NY 14120	Secondary Phone:	e-mail:
Address: 100 RIVER ROAD (Street Address) (City) (State) (Zip)				
Comments: 90-day Notice [RPAPL § 1304(1)] mailed on:				
*3 - See Addendum				
4. Last Name: 99 WASHINGTON AVE.	First Name: ALBANY	Primary Phone: NY 12231	Secondary Phone:	e-mail:
Address: (Street Address) (City) (State) (Zip)				
Comments: 90-day Notice [RPAPL § 1304(1)] mailed on:				
*4 - See Addendum				
5. Last Name: *5 - See Addendum	First Name: NEW YORK	Primary Phone: NY 10011	Secondary Phone:	e-mail:
Address: (Street Address) (City) (State) (Zip)				
Comments: 90-day Notice [RPAPL § 1304(1)] mailed on:				

ATTENTION: Proof of service must be filed with this RJI for each defendant upon whom a summons and complaint or summons with notice has been served. [CPLR § 3408]

Request for Judicial Intervention Addendum

WELLS FARGO BANK, N.A. SUCCESSOR BY MERGER TO WELLS FARGO HOME MORTGAGE, INC.

THE AVANT BUILDING SUITE 1200, 200 DELAWARE AVENUE

GMAC MORTGAGE CORPORATION DBA DITECH.COM

LYON FINANCIAL SERVICES, INC. D/B/A US BANCORP MANIFEST FUNDING SERVICES

111 EIGHTH AVE C/O CT CORPORATION SYSTEM

JOHN J. CRANGLE, JR., INTERIM ERIE COUNTY CLERK

PILLAR PROCESSING LLC
ACCOUNT #: 910
RECEIPT: 11147900
DATE: 10/18/2011 TIME: 2:14:27 PM

ITEM - 01 204S
RECD: 10/18/2011 2:14:27 PM
FILE: 2011209737 BK/PG K 213/330
REQUEST FOR JUDICIAL INTERVENTION
STATE COURT \$95 FEE 95.00
Sub. Total 95.00

TOTAL DUE \$95.00
PAID TOTAL \$95.00
PAID CHECK 95.00
Check #559126: 95.00

REC BY: Kim
COUNTY RECORDER